

RESOLUTION NO. CZAB8-18-03

WHEREAS, WORLD RENTALS AND SALES, LLC. applied for the following:

- (1) **ELIMINATION** of a recorded Declaration of Restrictions recorded under Official Record Book 21389, Pages 4949 through 4963.
- (2) **MODIFICATION** of Condition #2 of Resolution CZAB8-19-00 as modified by Resolution CZAB8-14-01, passed and adopted by the Community Zoning Appeals Board #8, reading as follows:

FROM: " 2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Proposed Office Building for Van Wagner Company,' as prepared by Halberstein, Hurtak, Linkewer & Associates, Inc., dated received 2-7-01 and consisting of 3 sheets."

TO: " 2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Proposed Office Building for Van Wagner Company,' as prepared by Dalima Studio, Architecture, dated 7-29-03, and consisting of 4 sheets."

The purpose of these requests is to allow the applicant to submit new plans showing a maintenance facility and office building and to remove a covenant which restricted the property for BU-2 uses and to those uses shown on the plan, and to allow the applicant to use the property in accordance with the underlying zoning district regulations for BU-3.

The aforementioned plans are on file and may be examined in the Zoning Department. Plans may be modified at public hearing.

SUBJECT PROPERTY: Lots 11 to 29 inclusive, less the east 3' of Lots 11 & 29 & less the west 15' of Lots 15 to 25 inclusive, Block 2, 7TH AVENUE MANOR, Plat book 19, Page 79 in Section 36, Township 52 South, Range 41 East.

LOCATION: Lying east of N.W. 7 Avenue and north of N.W. 114 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 8 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, upon due and proper consideration having been given to the matter it is the opinion of this Board that the requested elimination of a recorded Declaration of Restrictions recorded under Official Record Book 21389, Pages 4949 through 4963 (Item #1) would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance, and that the requested modification of Condition #2 of Resolution CZAB8-19-00 would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance, and

WHEREAS, a motion to approve Items #1 & 2 was offered by Billy Hester, seconded by Kerly Cileli, and upon a poll of the members present, the vote was as follows:

Winifred C. Beacham	absent	Billy Hester	aye
Bertha M. Carswell	aye	Arthemon Johnson	absent
Kerly Cileli	aye	Margaret Rudolph	absent
Fredricke Alan Morley	aye		

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 8 that the requested elimination of a recorded Declaration of Restrictions recorded under Official Record Book 21389, Pages 4949 through 4963 (Item #1) and the requested modification of Condition #2 of Resolution CZAB8-19-00 (Item #2) be and the same are hereby approved, subject to the following conditions:

1. That all conditions of Resolutions CZAB8-19-00 and CZAB8-14-01 shall remain in full force and effect, except as herein modified.
2. That all agreements and conditions of the Declarations of Restrictions recorded under Official Record Book 21389, pages 4949 through 4963 shall remain in full force and effect, except as herein modified.
3. That a new Declaration of Restrictions be submitted to meet with the Director's approval prior to the final zoning approval for this application.
4. That all materials and products shall be stored within the building or within an area completely enclosed with walls have a life expectancy of twenty (20) years or more

from the date of installation of said walls, and that storage not exceed the height of the walls in accordance with Section 33-256.5 of the Code.

BE IT FURTHER RESOLVED, the requested modification of Condition #2 of

Resolution CZAB8-19-00 (Item #2) as Modified shall read as follows:

That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Proposed Office Building for Van Wagner Company,' as prepared by Dalima Studio, Architecture, dated 7-29-03, and consisting of 4 sheets.

BE IT FURTHER RESOLVED, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 19th day of November, 2003.

Hearing No. 03-10-CZ8-3
ej

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 8TH DAY OF DECEMBER, 2003.

RESOLUTION NO. CZAB8-14-01

WHEREAS, BKCLP LTD. applied for the following:

- (1) MODIFICATION of Condition #2 of Resolution #CZAB8-19-00, passed and adopted by the Zoning Appeals Board on the 11th day of October, 2000, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Van Wagner Company,' as prepared by Halberstein Hurtak Linkewer & Associates, Inc., dated revised 5/17/00 and consisting of 2 sheets (the 'Plan')."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Proposed Office Building for Van Wagner Company,' as prepared by Halberstein Hurtak Linkewer & Associates, Inc., dated received 2/7/01 and consisting of 3 sheets."

- (2) MODIFICATION of Condition #2 of Declaration of Restrictions #19356, Page 2623, OOR 537171, dated November 8, 2000 and reading as follows:

FROM: "1. The property shall be developed substantially in accordance with that certain plan entitled 'Van Wagner Company,' as prepared by Halberstein, Hurtak, Linkewer & Associates, Inc., dated revised 5/17/00 and consisting of 2 sheets (the plan), except as may be modified by the Board during its consideration of the application."

TO: "1. The property shall be developed substantially in accordance with that certain plan entitled Proposed Office Building for Van Wagner Company,' as prepared by Halberstein Hurtak Linkewer & Associates, Inc., dated received 2/7/01 and consisting of 3 sheets, except as may be modified by the Board during its consideration of the application."

The purpose of this request is to permit the applicant to submit a revised plan indicating the expansion and reconfiguration of a previously approved office building.

- (3) NON-USE VARIANCE OF PARKING REQUIREMENTS to permit 11 parking spaces (25 parking spaces required).
- (4) NON-USE VARIANCE OF LANDSCAPE REQUIREMENTS to permit a lawn area of 86.66% (20% maximum allowed).
- (5) NON-USE VARIANCE OF SETBACK REQUIREMENTS to permit a setback of 25.79' from the front (west) property line (29.79' required); thereafter 1' of setback required for each 5' of building height above 40'.

The aforementioned plans are on file and may be examined in the Zoning Department. Plans may be modified at public hearing.

SUBJECT PROPERTY: Lots 11 through 29, Block 2, SEVENTH AVENUE MANOR, Plat book 19, Page 79, less the east 3' and the west 15' for right-of-way.

LOCATION: East of N.W. 7 Avenue west of I-95 and north of N.W. 114 Street and south of N.W. 115 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 8 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant requested permission to withdraw the non-use variance of parking requirements (Item #3), non-use variance of landscape requirements (Item #4), and non-use variance of setback requirements (Item #5), and

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, upon due and proper consideration having been given to the matter it is the opinion of this Board that the requested modifications (Items #1 & 2) would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance, and that the withdrawal of the non-use variance of parking requirements (Item #3), non-use variance of landscape requirements (Item #4), and non-use variance of setback requirements (Item #5) should be granted, and

WHEREAS, a motion to approve Items #1 & 2 and to allow the withdrawal of Items #3 - 5 the balance of the application was offered by Winifred C. Beacham, seconded by Kerly Cileli, and upon a poll of the members present, the vote was as follows:

Winifred C. Beacham	aye	Billy Hester	absent
Kerly Cileli	aye	Arthemon Johnson	aye
Bennie Dawson	aye	Margaret Rudolph	aye
Bertha M. Carswell			absent

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 8 that the requested modifications (Items #1 & 2) be and the same are hereby approved, subject to the following conditions:

1. That all conditions of Resolution CZAB8-19-00 will remain in full force and effect except as herein modified.
2. That a revised Declaration of Restrictions be submitted to the Department within 90 days after final public hearing approval of this application, unless a time extension is granted by the Director, for good cause shown.

BE IT FURTHER RESOLVED that the request to withdraw the non-use variance of parking requirements (Item #3), non-use variance of landscape requirements (Item #4), and non-use variance of setback requirements (Item #5) be and the same is hereby granted and said Item is withdrawn without prejudice.

BE IT FURTHER RESOLVED, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 30th day of July, 2001.

Hearing No. 01-7-CZ8-3
mc

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 1ST DAY OF AUGUST, 2001.

RESOLUTION NO. CZAB8-19-00

WHEREAS, BKCLP LTD. applied for the following:

- (1) BU-2 to BU-3
- (2) SPECIAL EXCEPTION to permit site plan approval for a commercial development.
- (3) NON-USE VARIANCE OF LANDSCAPE REQUIREMENTS to permit a lawn area of 58,044 sq. ft. (2,553 sq. ft. maximum permitted).

REQUESTS #1 THROUGH #3 ON EXHIBIT "A"

- (4) UNUSUAL USE to permit a recreational facility; to wit: a park.

REQUEST #4 ON EXHIBIT "B"

A plan is on file and may be examined in the Zoning Department entitled "Proposed Office Building," as prepared by Halberstein, Hurtak, Linkewer & Associates, consisting of three sheets and dated 11/22/99 and "Sketch of Survey," as prepared by Schwebke-Shiskin & Associates, Inc. and dated 7/16/96. Plans may be modified at public hearing.

SUBJECT PROPERTY: EXHIBIT "A": Lots 11 through 29, Block 2, SEVENTH AVENUE MANOR, Plat book 19, Page 79, less the east 3' and less the west 15' for Right-of-Way. **LESS:** The north 80' of the east 50' of the west 65' of Block 2, SEVENTH AVENUE MANOR, Plat book 19, Page 79. **AND:** EXHIBIT "B": The north 80' of the east 50' of the west 65' of Block 2, SEVENTH AVENUE MANOR, Plat book 19, Page 79.

LOCATION: The Northeast corner of N.W. 114 Street & N.W. 7 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 8 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a covenant, which, among other things, provided for:

1. Site Plan.

The property shall be developed substantially in accordance with that certain plan entitled "Van Wagner Company" as prepared by Halberstein Hurtak Linkewer & Associates, Inc., dated revised 5/17/00 and consisting of 2 sheets (the "Plan"), except as may be modified by the Board during its consideration of the Application.

2. **Use Restrictions.**

Notwithstanding the BU-3 zoning classification of the Property, the Owner and Lessee shall limit the use of the Property to those enumerated in the BU-2 zoning district and those uses specifically depicted in the Plan.

3. **Land Designated for Public Park.**

Owner and Lessee agree that the portion of the Property labeled "Proposed Park Area" on the Plan is intended to be used as a park open to the public. Lessee further agrees to maintain said park area so that the public benefit will be at no cost to the County.

4. **Water Conservation**

Lessee further agrees to utilize water conservation measures with regard to the irrigation of said park area as well as the green area so depicted in the Plan.

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change to BU-3 would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be approved, and the special exception (Item #2), non-use variance of landscape requirements (Item #3), and unusual use (Item #4) would be compatible with the area and its development and would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance, and that the requested special exception (Item #2) and unusual use (Item #4) would not have an adverse impact upon the public interest and should be approved, and

WHEREAS, a motion to approve the the district boundary change to BU-3 (Item #1), approve Items #2-4, and accept the proffered covenant was offered by Bennie Dawson, and

seconded by Margaret Rudolph, and upon a poll of the members present the vote was as follows:

Winifred C. Beacham	aye	Billy Hester	absent
Kerly Cileli	absent	Arthemon Johnson	nay
Bennie Dawson	aye	Margaret Rudolph	aye
Bertha M. Carswell	aye		

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 8, that the requested district boundary change to BU-3 be and the same is hereby approved and said property is hereby zoned accordingly.

BE IT FURTHER RESOLVED that the special exception (Item #2), non-use variance of landscape requirements (Item #3), and unusual use (Item #4) be and the same are hereby approved, subject to the following conditions:

1. That a site plan be submitted to and meet with the approval of the Director upon the submittal of an application for a building permit; said plan to include among other things but not be limited thereto, location of structure or structures, types, sizes and location of signs, light standards, off-street parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Van Wagner Company" as prepared by Halberstein Hurtak Linkewer & Associates, Inc., dated revised 5/17/00 and consisting of 2 sheets (the "Plan").
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant submit to the Department for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use and Occupancy.
5. That the applicant comply with all applicable conditions and requirements of the Department of Environmental Resources Management (DERM) as contained in their memorandum pertaining to this application.
6. That the applicant comply with all applicable conditions and requirements of the Public Works Department as contained in their memorandum pertaining to this application.

BE IT FURTHER RESOLVED that, pursuant to Section 33-6 of the Code of Miami-Dade County, Florida, the County hereby accepts the proffered covenant and does exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable zoning regulations.

BE IT FURTHER RESOLVED, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 11th day of October, 2000.

Hearing No. 00-7-CZ8-1
rb

RESOLUTION NO. 4-ZAB-96-92

The following resolution was offered by Mavel Cruz seconded by William Losner and upon poll of members present, the vote was as follows:

Humberto Amaro	aye	William Losner	aye
Mavel Cruz	aye	Scott Notowitz	aye
Shelly Gassner	aye	Johnny Williams	aye
Colleen Griffin	aye	Dean Oddy	aye
Angela P. Lannes	aye		

WHEREAS, REPOSSESSION AUCTION, INC. had applied for the following:

- (1) UNUSUAL USE to permit automobile auction sales from an open lot.
- (2) USE VARIANCE to permit a used car open lot display and sales in the BU-2 district as would be permitted in the BU-3 district.
- (3) NON-USE VARIANCE OF LANDSCAPED OPEN SPACE REQUIREMENTS to permit 10% (16% and 18% required) open space.
- (4) NON-USE VARIANCE OF PARKING REQUIREMENTS to permit 20 parking spaces (43 required) (11401 N.W. 7 Avenue).

Plans are on file and may be examined in the Zoning Department entitled "Repossession Auction, Inc. Site/Landscape Plan," as prepared by Ludovici & Orange, Consulting Engineers, Inc., dated last revised 2-13-92. Plans may be modified at public hearing.

SUBJECT PROPERTY: Lots 11 to 29 inclusive, less the east 3' of Lots 11 and 29 and less the west 15' of Lots 15 to 25 inclusive, Block 2, SEVENTH AVENUE MANOR, Plat book 19, Page 79, and Lots 1, 2 and the north 40' of Lot 3, Block 1, WEST SHORES, Plat book 42, Page 18.

LOCATION: 11337 and 11401 N.W. 7 Avenue, Dade County, Florida, and

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested unusual use, use variance and non-use variances would be compatible with the area and its development and would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the application be and the same is hereby approved, subject to the following conditions:

1. That a plot use plan be submitted to and meet with the approval of the Zoning Director; said plan to include among other things but not be limited thereto, location of building or buildings, type and location of signs, light standards, parking areas, exits and entrances, drainage, walls, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Repossession Auction, Inc. Site/Landscape Plan," as prepared by Ludovici & Orange, Consulting Engineers, Inc., dated last revised 2-13-92.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicants comply with all conditions and requirements of the Department of Environmental Resources Management, including obtaining operating permits, if applicable, within a year of the date of adoption of this resolution (on or before the 11th day of March, 1993).
5. That the applicants comply with all applicable conditions and requirements of the Public Works Department for applications of this type.
6. That the applicants submit to the Planning Department for its review and approval a landscaping plan which indicates the type of plant material and size prior to the issuance of a building permit and to be installed prior to the issuance of a certificate of use and occupancy.
7. That all barbed wire be removed from the property within one week (7 days) of the date of adoption of this resolution (on or before the 18th day of March, 1992)
8. That no auto repair work be conducted on the property.

9. That the auction sales be limited to Saturdays and Sundays.
10. That the auto auction sales be ancillary to the used car sales operation on the property; if the used auto sales activity is terminated, then so shall the auction activity.
11. That the designated off-street parking stalls not be used for automobile sales, display or storage.
12. That signage for the site including the canvas type display structure comply with all requirements of the Zoning Code.
13. That a cross parking easement agreement with the property to the east (Stoddard Office Supply) be submitted in recordable form within 90 days of the date of adoption of this resolution (on or before the 11th day of June, 1992).
14. That the trees be a minimum of 10' to 12' in height at the time of planting and that said trees be installed within 90 days from the date of adoption of this resolution (on or before the 11th day of June, 1992).

BE IT FURTHER RESOLVED, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 11th day of March, 1992.

Hearing No. 92-1-52

Typed 3/12/92 bn

STATE OF FLORIDA)
COUNTY OF DADE)

I, Carlos F. Bonzon, Ph.D., P.E., Director of the Metropolitan Dade County Building and Zoning Department and Ex-Officio Secretary of the Metropolitan Dade County Zoning Appeals Board, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. 4-ZAB-96-92 adopted by said Zoning Appeals Board at its meeting held on March 11, 1992.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this 19th day of March, A.D. 1992.

Carlos F. Bonzon, Ph.D., P.E., Ex-Officio Secretary
Metropolitan Dade County
Zoning Appeals Board

By: Carlos Bonzon

SEAL

COPY

II-18

RESOLUTION NO. 5878

The following resolution was offered by Commissioner Jesse H. Harborough seconded by Commissioner Ruston B. Bird, and upon vote duly adopted:

WHEREAS, O. J. Tanner Estate has applied for a change of zone from RU-1 (One Family Residential) and BU-2 (Special Business) 7600 cubic feet minimum and 8800 cubic feet minimum, to BU-2A (Special Business--Masonry) 7500 cubic feet minimum, to permit the deepening of existing business zones into Lots 12, 13, 14, 26, 27 and 28, Block 2, Seventh Avenue Manor Subdivision (PB 19, Pg. 79); East side of N. W. 7th Avenue between N. W. 114th and 115th Streets, Dade County, Florida, and

WHEREAS, a public hearing of the Dade County Zoning Commission was advertised and held as required by law and after hearing all interested parties and considering the adjacent areas, the Zoning Commission recommended that the application be approved subject to the applicant presenting a plot plan meeting with the approval of the Zoning Director; that the plot plan contain the location of proposed structures, parking area with ingress and egress, landscaping to protect the adjacent residential areas; that upon approval of the plot plan, the change of zone be made conditional upon the use of the property being substantially in accordance with said plan and upon the condition that all structures front on N. W. 7th Avenue and not on the side street, and

WHEREAS, it appears to this Board that the change of zone, as recommended by the Zoning Commission, is in accord with the overall comprehensive zoning plan for Dade County, Florida;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Dade County, Florida that the requested change of zone, as recommended by the Zoning Commission, be and the same is hereby approved and said property is hereby zoned accordingly.

The Zoning Director is hereby directed to make the necessary changes and notations upon the maps and records of the Dade County Planning, Zoning and Building Department.

PASSED AND ADOPTED this 21st day of April, 1953.

STATE OF FLORIDA)
: SS.
COUNTY OF DADE)

I, E. B. LEATHERMAN, Clerk of the Circuit Court in and for Dade County, Florida, and ex officio Clerk of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of a resolution adopted by the said Board of County Commissioners at its meeting held on April 21, 1953, as appears of record in the minutes of said Board of County Commissioners.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this 21st day of April, 1953.

E. B. LEATHERMAN, Clerk

By _____
Deputy Clerk

Heard 12-15-52